

## REMARKS/ARGUMENTS

In the Office Action mailed September 13, 2007, claims 1-25 and 30-46 were rejected. In response, Applicant hereby requests reconsideration of the application in view of the amended claims and the below-provided remarks. Claims 26-29 are canceled. No claims are added.

For reference, claims 1, 3, 16, 19, 30, 31, 36-38, and 46 are amended. In particular, claims 1, 16, 19, 30, 36, 37, and 46 are amended to clarify the reference to a non-transparent sequence. These amendments are supported, for example, by the subject matter described in the specification at paragraphs 52-54. Claim 16 is also amended to recite a grid computing system. This amendment is supported, for example, by the subject matter described in the specification at paragraph 7. Claims 3, 31, and 38 are amended to refer to the metadata file in accordance with antecedent basis conventions.

### Claim Rejections under 35 U.S.C. § 112

Claims 1-25 and 30-46 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully requests that the indicated rejections be withdrawn for the following reasons.

Claims 1, 7, 13, 16, 19, 30, 36, 37, 40, and 46 were rejected for reciting the term “non-transparent sequence.” Applicant respectfully disagrees with the assertion that the term “non-transparent sequence” is purportedly indefinite. In light of the explanations and examples provided in the specification (e.g., see paragraphs 52-54), the term “non-transparent sequence” should be clear and definite. Nevertheless, in order to advance prosecution, Applicant submits that claims 1, 16, 19, 30, 36, 37, and 46 are amended to clarify the references to the “non-transparent sequence.” Claims 2-15, 17, 18, 20-25, 31-35, and 38-45 depend from and incorporate all of the limitations of the corresponding independent claims 1, 16, 19, 30, 36, 37, and 46. Accordingly, Applicant respectfully requests that the rejections of claims 1-25 and 30-46 under 35 U.S.C. § 112, second paragraph, based on the recitation of the “non-transparent sequence” be withdrawn.

Claims 3, 31, and 38 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action states that the limitation “the data file” of claims 3, 31, and 38 lacks antecedent basis. Applicant appreciates the Examiner’s observation and submits that the indicate claims are amended to address the issue of antecedent basis. In particular, claims 3, 31, and 38 are amended to refer to “the metadata file.” Accordingly, Applicant respectfully requests that the rejections of claims 3, 31, and 38 under 35 U.S.C. § 112, second paragraph, based on the recitation of the “the data file” be withdrawn.

#### Claim Rejections under 35 U.S.C. § 103

Claims 1-25 and 30-46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Beeler, JR. (U.S. Pub. No. US 2004/0083245, hereinafter Beeler) in view of Schutzman et al. (U.S. Pat. No. 6,505,216, hereinafter Schutzman) and Goddard (U.S. Pat. No. 6,883,110, hereinafter Goddard). However, Applicant respectfully submits that these claims are patentable over Beeler, Schutzman, and Goddard for the reasons provided below.

#### Independent Claim 1

Applicant respectfully submits that claim 1 is patentable over the cited reference because Beeler does not teach all of the limitations of the claim. Claim 1, as amended recites “a client request module configured to receive data to be backed up from a source client” and “a sequence module configured to generate a non-transparent sequence of a plurality of target clients, wherein the non-transparent sequence is unique and exclusively accessible to a global sequence manager” and “a packet storage module configured to store the data on the plurality of target clients according to the non-transparent sequence” (emphasis added).

The Office Action relies on Beeler as purportedly teaching a client request module as recited in the claim. However, Beeler does not teach a client request module configured to receive data to be backed up from a source client. Beeler merely describes that the hard drives on a source server and a target server have current copies of the same

files at all times. Beeler, page 5, paragraphs 78-79. The data replication mechanism of Beeler is different from a client request module to receive data to be backed up from a source client because Beeler uses a source server to back up data from the source server (i.e., within the same device). Furthermore, Beeler does not teach backing up data from a source client. In fact, Beeler appears to be silent with regard to backing up data from a source client. Therefore, Beeler does not teach the client request module configured to receive data to be backed up from a source client.

The Office Action also relies on Beeler at purportedly teaching a sequence module as recited in the claim. However, Beeler does not teach a sequence module configured to generate a non-transparent sequence of a plurality of target clients, which is unique exclusively accessible to a global sequence manager. Beeler merely describes that the source server replicates data files from the source server to a target server according to a list of available target servers. Beeler, page 6, paragraph 84. The list of available target servers of Beeler is different from the non-transparent sequence because Beeler does not teach the generation of a list of available target servers in a uniquely ordered sequence. In fact, Beeler appears to be silent with regard to a unique sequence of available target servers and to exclusive accessibility to the list of available target servers. Exclusive accessibility to the non-transparent sequence provides a level of security for the backup data, as explained in the specification of the present application. Beeler also appears to be silent with regard to providing a level of security for the backup data. Therefore, Beeler does not teach the sequence module configured to generate a non-transparent sequence of a plurality of target clients, as recited in the claim.

The Office Action also relies on Beeler as purportedly teaching a packet storage module as recited in the claim. However, Beeler does not teach a packet storage module configured to store the data on the plurality of target clients according to the non-transparent sequence. Beeler merely describes that the source server restores files from one or more target servers, and determines to which target server to transmit a data packet. Beeler, page 6, paragraph 91; page 9, paragraph 121. As explained above, Beeler does not teach backing up data from a source client or backing up data across a plurality of target clients. Consequently, Beeler does not teach backing up data from a source client to a plurality of target clients. Moreover, even if Beeler, alone or in

combination with the other references, were to teach backing up data from a source client to a plurality of target clients, Beeler nevertheless does not teach backing up data from a source client to a plurality of target clients according to the non-transparent sequence. Therefore, Beeler does not teach the packet storage module configured to store the data on the plurality of target clients according to the non-transparent sequence.

Since Beeler does not teach a client request module, a sequence module, or a packet request module, as recited in the claim, Beeler does not teach all of the limitations of the claim. Therefore, the present application is patentable over the combination of cited references because Beeler does not teach all of the limitations of the claim. Accordingly, Applicant respectfully requests that the rejection of claim 1 under 35 U.S.C. § 103(a) be withdrawn.

#### Independent Claim 16

Applicant respectfully submits that claim 16 is also patentable over the cited references because Beeler does not teach all of the limitations of the claim. Claim 16, as amended recites “a network interface configured to communicate with the sequence management apparatus” and “a client backup manager apparatus configured to manage a backup operation across a grid computing system using a unique data identifier and a non-transparent sequence, wherein the non-transparent sequence is unique and exclusively accessible to a global sequence manager” (emphasis added).

In contrast, Beeler does not teach a network interface configured to communicate with the sequence management apparatus. Beeler merely describes that the source server replicates data files from the source server to a target server according to a list of available target servers, and that a broadcast message is sent over a network to determine whether a node is a source server. Beeler, page 6, paragraphs 84-85. Sending a broadcast message over a network to determine whether a node is a source server is different from a network interface configured to communicate with the sequence management apparatus because querying a network is not the same as a network interface that communicates with the sequence management apparatus. Furthermore, Beeler does not teach a sequence management apparatus to facilitate data backup operations across the grid computing system. In fact, Beeler appears to be silent with regard to a sequence

management apparatus. Therefore, Beeler does not teach the network interface configured to communicate with the sequence management apparatus.

Furthermore, Beeler does not teach a client backup manager apparatus configured to manage a backup operation across a grid computing system. Beeler merely describes that the source server replicates data files from the source server to a target server according to a list of available target servers. Beeler, page 6, paragraphs 84. A list of available target servers of Beeler is different from the client backup manager apparatus configured to manage a backup operation across a grid computing system because Beeler does not teach a client backup manager apparatus to manage a backup operation across a grid computing system. In fact, Beeler appears to be silent with regard to a client backup manager apparatus. Moreover, even if Beeler were to teach a client backup manager apparatus, Beeler nevertheless does not teach a client backup manager apparatus to manage a backup operation across a grid computing system. Therefore, Beeler does not teach the client backup manager apparatus to manage a backup operation across a grid computing system.

Moreover, Beeler does not teach a client backup manager apparatus configured to manage a backup operation across a grid computing system using a unique data identifier and a non-transparent sequence. Goddard is cited for its alleged disclosure of various features of claim 16. Applicant respectfully submits that Goddard does not add anything to the disclosure of Beeler that would remedy the aforementioned deficiency. Goddard merely describes that server data from a source server is divided into multiple portions that are each stored on a different target server. Goddard, column 4, line 59 to column 5, line 13. However, dividing the server data into portions to store individual portions on different target servers is different from the client backup manager apparatus configured to manage a backup operation across a grid computing system using a unique data identifier and a non-transparent sequence because Goddard does not teach a unique data identifier for each portion of data, but rather, only the dividing of the data into portions. In fact, Goddard appears to be silent with regard to a unique data identifier. Goddard also appears to be silent with regard to a backup operation using the combination of a unique data identifier and a non-transparent sequence. Therefore, Goddard does not teach the backup operation using a unique data identifier and a non-transparent sequence.

Therefore, the present application is patentable over the cited references because the cited references do not teach all of the limitations of the claim, as explained above. Accordingly, Applicant respectfully requests that the rejection of claim 16 under 35 U.S.C. § 103(a) be withdrawn.

#### Independent Claim 19

Applicant respectfully asserts independent claim 19 is patentable over the combination of cited references at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 19 recites “a global sequence manager connected to the network communications channel and configured to store the data on the plurality of target clients according to a non-transparent sequence of the plurality of target clients, wherein the non-transparent sequence is unique and exclusively accessible to the global sequence manager” (emphasis added).

Here, although the language of claim 19 differs from the language of claim 1, and the scope of claim 19 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 19. Accordingly, Applicant respectfully asserts claim 19 is patentable over the combination of cited references at least because Beeler does not disclose a global sequence manager connected to the network communications channel and configured to store the data on the plurality of target clients according to a non-transparent sequence, as recited in the claim.

#### Independent Claim 30

Applicant respectfully asserts independent claim 30 is patentable over the combination of cited references at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 30 recites “storing the data on the plurality of target clients according to the non-transparent sequence, wherein the non-transparent sequence is unique and exclusively accessible to a global sequence manager” (emphasis added).

Here, although the language of claim 30 differs from the language of claim 1, and the scope of claim 30 should be interpreted independently of claim 1, Applicant

respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 30. Accordingly, Applicant respectfully asserts claim 30 is patentable over the combination of cited references at least because Beeler does not disclose storing the data on the plurality of target clients according to the non-transparent sequence, as recited in the claim.

#### Independent Claim 36

Applicant respectfully asserts independent claim 36 is patentable over Beeler at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 36 recites “generating a non-transparent sequence of a plurality of target clients, wherein the non-transparent sequence is unique and exclusively accessible to a global sequence manager” (emphasis added).

Here, although the language of claim 36 differs from the language of claim 1, and the scope of claim 36 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 36. Accordingly, Applicant respectfully asserts claim 36 is patentable over the combination of cited references at least because Beeler does not disclose generating a non-transparent sequence of a plurality of target clients, as recited in the claim.

#### Independent Claim 37

Applicant respectfully asserts independent claim 37 is patentable over the combination of cited references at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 37 recites “generating a non-transparent sequence of a plurality of target clients, wherein the non-transparent sequence is unique and exclusively accessible to a global sequence manager” (emphasis added).

Here, although the language of claim 37 differs from the language of claim 1, and the scope of claim 37 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 37. Accordingly, Applicant respectfully asserts claim 37 is patentable over the combination of cited references at least because Beeler does not

disclose generating a non-transparent sequence of a plurality of target clients, as recited in the claim.

#### Independent Claim 46

Applicant respectfully asserts independent claim 46 is patentable over the combination of cited references at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 46 recites “means for generating a non-transparent sequence of a plurality of target clients, wherein the non-transparent sequence is unique and exclusively accessible to a global sequence manager” (emphasis added).

Here, although the language of claim 46 differs from the language of claim 1, and the scope of claim 46 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 46. Accordingly, Applicant respectfully asserts claim 46 is patentable over the combination of cited references at least because Beeler does not disclose means for generating a non-transparent sequence of a plurality of target clients, as recited in the claim.

#### Dependent claims 2-15, 17-18, 20-25, 31-35, and 38-45

Claims 2-15, 17-18, 20-25, 31-35, and 38-45 depend from and incorporate all of the limitations of the corresponding independent claims 1, 16, 19, 30, and 37, which are patentable over the cited references. Applicant respectfully submits that dependent claims 2-15, 17-18, 20-25, 31-35, and 38-45 are also patentable over the cited references based on allowable base claims. Additionally, each of claims 2-15, 17-18, 20-25, 31-35, and 38-45 may be allowable for further reasons. Accordingly, Applicant requests that the rejections of claims 2-15, 17-18, 20-25, 31-35, and 38-45 under 35 U.S.C. § 103(a) be withdrawn.



## CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited. If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact the attorney listed below.

Respectfully submitted,

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